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Applicant: RAKOCZY

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REMARKS

The Examiner's Office Action of 12/5/2005 has been carefully reviewed. The Examiner has rejected Claim 2 "under 35 U.S.C. 112." In response to such rejection, Claim 2, the only remaining claim in the application has been amended, with particular emphasis on the last paragraph, to render the specific language to be commensurate with the application as originally filed. This includes the addition of the vertical backing member with the lower horizontal retaining member rather than a resting plate and the description of the two horizontal holding members, each with an opening coupled to the vertical backing member with such members located above the lower horizontal holding member. As such, this ground of rejection based upon 35 U.S.C. 112 is deemed no longer applicable to the present application.

The Examiner has then rejected Claim 2 "under 35 U.S.C. 103(a) as being unpatentable over Greene, US Patent 4,463,859 in view of Ziaylek, Jr. et al., US Patent 4,848,714 (Ziaylek).". This rejection is traversed. The Examiner reviews the elements disclosed in the prior art as exemplified by these two earlier patents and concludes that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to use the two bolt, adjustable configuration as taught by

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Ziaylek with the device of Greene." Such approach is partially correct, but the proposed combination rejection is inapplicable to Claim 2, particularly as presently amended. Note is taken that specifically claimed in the "two horizontal holding members, each with an opening in combination with the lower horizontal holding member." Such a three horizontal component system with a vertical member is not taught in Greene. Neither is such combination taught by Ziaylek wherein the lower member is fixed to the vertical member and the two higher vertical member are adjustable on the vertical member. In applicant's claimed device, all three vertical members are secured to the vertical backing member and are vertically adjusted in unison with regard to the vertical backing member in a manner unsuggested by the prior art, whether taken alone or in combination.

Further, the combination proposed by the Examiner is neither taught nor suggested by the prior art in that the two upper members of Greene are dissimilar in construction while the two upper members of Ziaylek are apparently of similar configurations but are adjustable with respect to each other as well as individually adjustable to the vertical backing member. As such, the prior art is not properly combinable as proposed by the Examiner, particularly in view of the elements of the claim which are not found in the prior art.

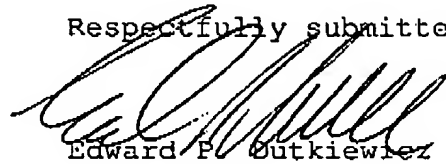
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It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the amendments herein overcome all grounds of objection and rejection. Reconsideration and a Notice of Allowance are requested.

Respectfully submitted,



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